IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 18330 of 2007(F)

PETITIONER:

DR.G.MOHANAN, D.A.M.,
DISTRICT MEDICAL OFFICER (RETD),
N.H.47, OPP. TO HOTEL "MITHILA" BAR
ERAMALLOOR P.O., CHERTHALLA, ALLEPPEY - 688 537.

BY ADV. SRI.K.JAYAKUMAR (RAVIPURAM)

RESPONDENTS:

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1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY THE CHIEF ENGINEER,
K.S.E.B., DISTRIBUTION (CENTRAL), VYTTILA,
ERNAKULAM - 682 019.

2. THE ASSISTANT ENGINEER, K.S.E.B.,
DISTRIBUTION, AROOR P.O., ALLEPPEY DISTRICT.

3. THE PROPRIETOR/MANAGER-IN-CHARGE,
HOTEL MITHILA BAR, ERAMALLOOR P.O.,
ALLEPPEY - 688 537.

BY ADV. SRI.P.P.THAJUDEEN, SC, K.S.E.B

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 18330 of 2007

Dated, this the 3rd day of August, 2007

J U D G M E N T

This writ petition is filed for a direction to the respondents not to install stay wire in petitioner's property for drawing electric line for giving connection to 3rd respondent. I have heard learned counsel for the petitioner and the learned Standing Counsel appearing for KSEB. KSEB has produced sketch, which shows that the fresh line to be drawn for giving connection to 3rd respondent is perpendicular to the existing line which involves installation of stay wire in the opposite direction of the new line. Stay wire has to be necessarily installed in petitioner's property. It is seen from Ext.P1 judgment that when the petitioner opposed installation of transformer in his property, the claim was allowed on petitioner's agreement that he has no objection in installing stay wire. The petitioner has now produced Ext.P5 technical opinion from a Retired Deputy Chief Engineer of KSEB suggesting that line could be drawn without installing stay wire in the position proposed by KSEB by tightening the existing stay wire. Since petitioner's property is only 15 cents of land, inconvenience from stay wire if possible also

should be avoided. However, KSEB cannot take any risk of danger in the course of avoiding inconvenience to petitioner's property. In the circumstances, I direct the petitioner to execute a bond for Rs. 3 lakhs undertaking to indemnify KSEB against any loss or damage suffered by it or by the public on account of any accident in the system due to installation of stay wire as recommended by the Retd. Dy. Chief Engineer, whose opinion is produced by petitioner as Ext.P5. Bond shall be valid for a period of one year and along with the bond petitioner is directed to deposit the title deed and possession certificate of his property, which is stated to be 15 cents of land on the National Highway side declaring charge on the property. After execution of bond and depositing title deed along with possession certificate, which should be done by the petitioner within two weeks from today, 2nd respondent will get the work done as suggested by the said Retd. Dy. Chief Engineer, whose opinion is produced by the petitioner vide Ext.P5. Petitioner can arrange the service of the said person during execution of work and 2nd respondent will co-ordinate him in the work. In case of any threat of danger at any time, it is open to the KSEB to install the stay wire in petitioner's property. Similarly compensation for damage or loss

if any caused to any one on account of any accident will also be recovered from the petitioner and his property based on Bond executed as directed above.

This writ petition is disposed of as above.

Issue photocopy today itself.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg